



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

999 18TH STREET- SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

FEB 7 2006

Ref: ENF-W

CERTIFIED MAIL #7003 2260 0001 7779 1169

RETURN RECEIPT REQUESTED

Johnson County Commissioners
c/o James Mader, Chair
76 North Main
Buffalo, WY 82834

Re: Notice of Safe Drinking Water Act
Enforcement Action against Bighorn
National Forest-Tie Hack Campground
PWS ID # WY5680184

Dear County Commissioners:

Under the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) administers a program for promoting the safety of public water supplies. In Wyoming, the EPA enforces this program directly because Wyoming does not have primary authority for doing so. When EPA issues an administrative compliance order to a public water system in a state that does not have primary enforcement authority under the SDWA, EPA is required to notify an appropriate locally elected official. Accordingly, the purpose of this letter is to notify you that EPA is issuing an administrative compliance order to a public water system in your county.

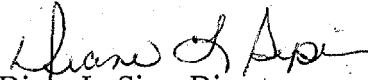
An Administrative Order is being issued under Section 1414 of the SDWA to Tie Hack Campground in the Bighorn National Forest 20 miles west of Buffalo, Wyoming, on U.S. Highway 16. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The System is in violation the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.63(a)(2), 141.201, 141.31(b), and 141.21(g)(1) for exceeding the total coliform bacteria maximum contaminant level; failure to notify the public of the violations; and failure to report violations to EPA.



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A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Judy Binegar-Wilson of my staff at (303)312-6606.

Sincerely,



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



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FEB 7 2006

Ref: 8ENF-W

CERTIFIED MAIL #7001 2510 0006 3202 2269

RETURN RECEIPT REQUESTED

William T. Bass, Forest Supervisor
USDA Forest Service
Bighorn National Forest-Tie Hack Campground
2013 Eastside 2nd Street
Sheridan, WY 82801

Re: Administrative Order
Docket No. SDWA-08-2006-0014
PWS ID # WY5680184

Dear Mr. Bass:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f *et seq.*, and its implementing regulations. Among other things, the Administrative Order finds that Tie Hack Campground is a supplier of water as defined by the SDWA and that it has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§141.63(a)(2), 141.201, 141.31(b), and 141.21(g)(1) for exceeding the total coliform bacteria maximum contaminant level; failure to notify the public of the violations; and failure to report violations to EPA.

Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

Among other things, the Order calls for Tie Hack Campground to provide a public notification of violations of the SDWA. If you have any questions or comments concerning the form of the public notice, please do not hesitate to contact Judy Binegar-Wilson of EPA, whose telephone number is provided below.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is

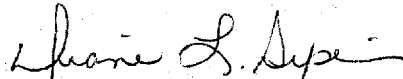


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Judy Binegar-Wilson at the address on the letterhead and include the mailcode 8ENF-W, or call (800) 227-8917, extension 6606 or (303) 312-6606. If you wish to have an informal conference with EPA, you may also call or write Ms. Binegar-Wilson. If you are represented by an attorney, please feel free to ask your attorney to call Michelle Marcu, enforcement attorney, at the above 800 number, extension 6921, or at (303) 312-6921.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures
Order

cc: WY DEQ (via e-mail)
WY DOH(via e-mail)



2006 FEB -7 PM 3:11

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

EPA REGION VIII
HEARING CLERK

IN THE MATTER OF)
USDA Forest Service)
Buffalo, Wyoming)
Respondent)
Proceedings under Section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))
_____)

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2006-0014

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 1414(g) of the Safe Drinking Water Act ("the Act"), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. The United States Forest Service ("Respondent") is a Federal agency and is therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Tie Hack Campground (the System) located 20 miles west of Buffalo, Wyoming on US Highway 16, for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a "public

water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. Part 141.
5. According to a June 5, 2003 sanitary survey by an agent for EPA, the System is supplied solely by a groundwater source consisting of one well and is operational May through September of each year. The system serves approximately 35 persons per day in the summer through 5 service connections.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.21(a) requires any non-community public water system with an average daily population of less than 1,001 with a ground water source to monitor the water at least once per quarter that the system serves water to the public to determine compliance with the Maximum Contaminant Level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.

2. 40 C.F.R. § 141.63(a)(2) imposes and defines the MCL for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month, as no more than one sample collected during the month may be positive for total coliform bacteria.
3. Monitoring results submitted by Respondent for the public water system during September, 2002; August, 2004; and June, 2005, exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).

II

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any national primary drinking water regulation ("NPDWR") violations, including violations of the maximum contaminant level ("MCL"), maximum residual disinfection level ("MRDL"), treatment technique ("TT"), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.
2. Respondent has not provided public notice of the violations for September 2002, and August, 2004, detailed in the preceding Section I in violation of 40 C.F.R. § 141.201.

III

1. 40 C.F.R. § 141.21(g)(1) requires public water systems that have exceeded the MCL for total coliform in 40 C.F.R. § 141.63 to report the violation to EPA no later than the end of the next business day after it learns of the violation.

2. Respondent failed to report to EPA instances of noncompliance detailed in Section I in violation of 40 C.F.R. § 141.21(g)(1), with the exception of the June 2005 MCL violation.

IV

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA instances of noncompliance detailed in Section II in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS

ORDERED:

1. Within 90 days of the date of this Order, Respondent shall submit to EPA detailed plans for bringing Respondent's public water system into compliance with the MCL for coliform bacteria at 40 C.F.R. § 141.63. The plans shall include proposed system modifications, estimated costs of modifications, and a schedule for construction of the project and compliance with the MCL for coliform bacteria. The proposed schedule shall include specific milestone dates and a final compliance date prior to opening for the 2006 season and shall be submitted to

EPA and the State of Wyoming (the "State") for approval. The plans must be approved by EPA and the State before construction can commence.

2. The schedule for construction and completion of modifications will be incorporated into this Order upon written approval by EPA.
3. Within 30 days from the opening of the 2006 season, Respondent must provide public notice of the violations specified under Section I of the Findings of Violation section in this Order for the September 2002 and August 2004 MCL violations to return to compliance with 40 C.F.R. §§ 141.201, 141.204 and 141.205. This notice shall be given by (1) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system OR (2) by mail or direct delivery to each customer and service connection; AND (3) any other method reasonably calculated to reach other persons served by the System if they would not normally be reached by the notice required above, such as publication in a local newspaper or newsletter distributed to customers; use of e-mail to notify employees or students; or delivery of multiple copies in central locations. If the public notice is posted, the notice must remain in place for as long as the violation, variance, exemption, or other situation persists, but in no case less than seven days. The public water system must repeat the notice every three months as long as the violation or situation persists. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR

- violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).
4. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total coliform MCL violation under 40 C.F.R. § 141.63 to EPA no later than the end of the next business day after the Respondent learns of the violation.
 5. Except where different reporting periods are specified above, upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
 6. Reporting requirements specified in this Order shall be provided by certified mail to:

U. S. EPA Region 8 (8P-W-MS)
999 18th Street, Suite 300
Denver, Colorado 80202-2466

GENERAL PROVISIONS

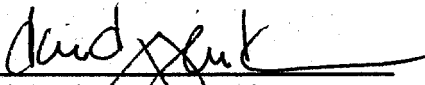
1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondents to an administrative civil penalty of up to \$27,500, under Section 1414(g)(3)(B) of the


Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).

3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondents to a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 7th day of February, 2006.


Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice


Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice